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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,951	01/29/2004	Hubert Bucher	080404.53096US	1846

23911 7590 06/21/2007  
CROWELL & MORING LLP  
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EXAMINER
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FIGUEROA, ADRIANA

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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06/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/765,951

Applicant(s)

BUCHER ET AL.

Examiner

Adriana Figueroa

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-10 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-10 and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 2, 6-10, 13-20 are objected to because of the following informalities:

In claim 1, line 1 the phrase "container usable..." is incorrect, the correct phrase is "a container usable..."

In claims 2, 6-10, 13-20, line 1 the phrase "container according..." is incorrect, the correct phrase is "the container according..."

In claim 10, line 3 there is an additional space between the words "container and"  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 6-10, 13-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the traveling carriages" in line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "folded open side wall" in line 10 and "foldable side wall" in line 20; claim 10 in lines 3 and 4, claim 18 in lines 3 and 4 and claim 19 in line 2 recites the limitation "the foldable side wall". The same term should be used for an element each and every time is recited.

Claim 1 in line 11, claim 7 in line 2 recites the limitation "a cable winch assigned to...". It is unclear what the applicant means by this. The examiner suggests replacing the word "assigned" by "secured" or "attached".

Claim 1 in lines 22 and 25, recites the limitation "operatively associated on the traveling carriages"; claim 2 in lines 5, 6 recites the limitation "a lifting device is associated with..."; claim 7 in line 3 recites the limitation "two cables associated with...". It is unclear what the applicant means by this. The examiner suggests replacing the word "associated" by "secured" or "attached".

Claim 2 recites the limitations "a lifting device" in line 5 and "a folded open side wall" in line 6. It is unclear if these are previously introduced limitations or new limitations.

Claim 7 recites the limitation "of two expansion elements" in line 3; claim 15 in line 3 recites the limitation "at a track". It is unclear if these are previously introduced limitations or new limitations.

Claim 7 in line 2 recites the limitation "comprises two cables associated with one of the two expansion elements". It is unclear if each of the cables is associated with one of the two expansion elements or one of the two cables is associated with one of the two expansion elements.

***Allowable Subject Matter***

3. Claims 1, 2, 6-10, 13-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adriana Figueroa whose telephone number is 571-272-8281. The examiner can normally be reached on Monday-Friday 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AF/AF  
06/08/2007

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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

